

## **HISTORY 370.001 – LEGAL ISSUES IN MEDIA HISTORY FALL 2017**

**Professor:** Dr. Kyle Riismandel  
**Email:** [kriis@njit.edu](mailto:kriis@njit.edu)  
**Room:** CKB314  
**Time:** Monday and Thursday, 4-5:25PM  
**Office:** Cullimore 326  
**Office Hours:** Monday 3–4PM, Tuesday 4–5PM, Wednesday 3–4PM, and by appointment

### **Course Description:**

In this course, we will consider how legislation and jurisprudence have structured the development of media industries, artists, and end-users in postwar America. We will examine how media law and policy affect media content and industry behavior as well as artists', citizens', and consumers' rights. In addition, we will contextualize the development of media law within broader social and political currents in American history and analyze how multiple intertwining histories –the advent and adoption of new technologies; the shifts in American politics and culture; the transformation of American social life and leisure; and the interpretation, application, and reinterpretation of American law – collectively have affected the role, content, and structure of media in American life.

### **Required Texts:**

All texts are available for download via Moodle: [moodle.njit.edu](http://moodle.njit.edu). **BRING ALL TEXTS TO CLASS (ON PAPER OR ELECTRONICALLY)** as you may need to refer to them during discussion or be asked to use them for class activities.

### **Course Goals, Expectations, and Assessments:**

Course Goals – Students will have:	Assessment
Knowledge of the key legal and cultural issues in 20 <sup>th</sup> century media history in America.	Reading Quizzes Advocacy Paper and Final Exam Class Participation
Competence in and familiarity with the analysis of primary source texts including but not limited to court decisions, legislation, television, music, and Internet texts as well as other popular media.	Advocacy Paper Reading Quizzes Class Participation
Experience writing and speaking critically about developments in American media history.	All assignments
Identify, analyze, and deploy secondary sources to make historical arguments.	Advocacy Paper and Final Exam Class Participation

**Course Grade:**

**Failure to complete all of the assignments will result in an automatic F for the course.**

Final grades will be calculated as follows:

Reading Quizzes:	5 x 3% = 15%
Advocacy Paper Draft:	5%
Advocacy Paper:	15%
Take-home Midterm Exam:	20%
Take-home Final Exam:	30%
Class Participation:	15%

**Assignments**

**Reading Quizzes:** Five quizzes will be given throughout the semester to test your comprehension of that week's reading assignments. Depending on the week, the quiz may include questions on more than one reading. These will not be "gotcha" questions but will be used to evaluate your understanding of the key concepts of the reading assignments.

**Advocacy Paper:** Each student must complete a paper analyzing an American media policy debate that includes evaluating the current and proposed new regulations, and then making an argument for a particular policy or piece of legislation. There will be three choices of papers to complete throughout the semester: 1<sup>st</sup> Amendment and the Press, Copyright, or Net Neutrality. **Students must only complete ONE.** An assignment sheet will be available on Moodle detailing the exact parameters of the assignment.

**Exams:** There will be two exams. a take-home midterm and a take-home final. These exams will test your knowledge of key terms, events, policies, and debates in media history policy debates and will ask you to think critically about the role of government, corporations, and citizens in media regulation in the United States.

**Class participation:** Students are expected to:

1. Participate actively in all class discussions and activities
2. Be respectful to the instructor and their fellow classmates
3. Arrive to class on time
4. Stay focused on what is happening in our classroom not on chatting or using digital devices.

Further, participation will be assessed not just on quantity but also on quality. Quality participation demonstrates knowledge of the issues at hand, completion of that week's assignments, and a willingness to engage in critical assessment of course texts and lectures. The participation grade may also include pop quizzes and short writing assignments done in class.

I encourage students to check in with me over the course of the semester regarding their class participation performance. Every course is a collaboration between teacher and student so please ask questions, come to office hours, and generally stay involved with me and your classmates.

Further, do not wait to contact me if you are falling behind or having trouble understanding course content. Earlier is always better (I'm looking at you Seniors).

### **Course Policies**

**Attendance:** Students are expected to attend all course meetings on time unless receiving prior authorization. Missing class will not only adversely affect your class participation grade but will prevent you from learning course content and skills. This policy refers to all absences, including missing class because you are ill or have a family emergency. However, if you miss class to attend an NJIT sponsored event, to observe a religious holiday, or documented illness such absences will be excused. For these absences to count as excused, you must receive permission from the instructor in advance or provide a doctor's note in the case of sickness.

**Office hours/student appointments:** My office hours will be every Monday 3-4PM, Tuesday 4-5PM, and Wednesday 3-4PM. I am also available to meet by appointment if students are unable to make it to my office during these times. Feel free to send me an email to set up a meeting if you'd like to talk to me or if you have any questions about course topics, assignments, or grades.

**Academic dishonesty:** Students are expected to obey the NJIT honor code, and I will enforce this code to its fullest extent. For the tenets of the code or for clarification of what constitutes plagiarism or cheating, please consult: <http://www.njit.edu/academics/honorcode.php>.

**Cell phones:** Use of a cell phone in class for unauthorized activity will result in student's choosing either:

1. Immediate expulsion from class
2. Placement of the student's cell phone at the front of class with the instructor for the remainder of that class and each class for the remainder of the semester.

Though, you may think texting, using Twitter, etc. is innocuous or invisible, it is not. It interrupts the flow of discussion, distracts other students, and will inevitably embarrass the texter when I have to call you out.

**Laptops and miscellaneous technology rules:** Students may use laptops in this course for class-related activities only. If I learn that students are using laptops for any other purpose, I will issue a laptop ban for this class. Students are also prohibited from listening to ipods or using any other device in this class that has not received prior authorization. Further, do not keep headphones in your ears even if you are not listening to anything. Essentially, you are in class approximately 3 hours a week. Please be present and prepared when you are here. If you would rather text or surf the internet, please do not come to class.

**Students with Disabilities or Special Needs:** Students who have disabilities or special needs should contact NJIT's Student Disability Services to help procure accommodations in completing coursework. The center can be found at <http://www.njit.edu/counseling/services/disabilities.php>.

### **Course Schedule**

#### **WEEK 1**

9/7 - Introductions/Syllabus Review/Course Expectations and Goals/What is

Media? Why Study It?

**WEEK 2 - Regulating Radio**

9/11 - Lecture: Dirty Words, Dirty Ideas: The Legal Limits of Taste on the Airwaves

Primary Source

George Carlin, "Seven Words You Can Never Say on Television," *Class Clown* (1972)

9/14

Secondary Source

Marjorie Heins, "Policing the Airwaves," pp. 89-109 from *Not in Front of the Children: Indecency, Censorship, and the Innocence of Youth* (2001).

**READING QUIZ #1**

**WEEK 3 - Pirate Radio and Low-Power FM**

9/18 - Lecture: Seize the Airwaves: Pirate Radio and Low Power FM

9/21 - Discussion

Primary Sources

Ron Salkosky and Stephen Dunifer, *Seizing the Airwaves: A Free Radio Handbook Radio Unnameable* (2012) – Please watch on your own via the link on Moodle

**WEEK 4 - The First Amendment and the Press**

9/25 - Lecture: Free Press and Fake News

9/28 - Discussion

Screen on your own - *Nobody Speak: The Trials of the Free Press* (2017)

Primary Source

Michael M. Grynbaum and Sydney Ember, "Journalists, Battered and Groggy, Find a Renewed Sense of Mission," *New York Times*, February 15, 2017 — <https://www.nytimes.com/2017/02/15/business/media/trump-journalism-media-competition.html>

**WEEK 5 - The Fairness Doctrine**

10/2- Lecture: The Fairness Doctrine, Equal Time, and the Politics of the News

10/5- Discussion

Primary Source

**WEEK 6 - Cable Television**

10/9- Lecture: An Alternative to the Public Airwaves: The Emergence and Impact of Cable Television

10/12- Discussion

Secondary Source

*Outfoxed!* (2004) - Screen on your own via the link on Moodle

**ADVOCACY PAPER #1 DRAFT DUE, OCT. 9, 5PM — TURNITIN**

**WEEK 7 - The Telephone**

10/16- Lecture: Telephones, Monopoly, and Regulation

10/19- Discussion

Primary Source

"Text of Judge Greene's Conclusion on AT&T Consent Decree," August 12, 1982, *New York Times*, <http://www.nytimes.com/1982/08/12/business/text-of-judge-greene-s->

conclusion-on-a-tt-consent-decree.html?pagewanted=all&mcubz=1

Secondary Source

Robert Horowitz, *The Irony of Regulatory Reform*, Ch. 5, pp. 126-154

**READING QUIZ #2**

**WEEK 8**

10/23 - Midterm Exam Review

10/26 - **NO CLASS - COMPLETE TAKE-HOME MIDTERM EXAM**

**MIDTERM DUE NOV 5, 5PM VIA TURNITIN**

**WEEK 9 - Copyright**

10/30- Lecture: Sampling and the Legal Aspects of a New Art Form

11/2- Discussion

Daphne Keller, "The Musician as Thief: Digital Culture and Copyright Law" in Paul D. Miller, *Sound Unbound: Sampling Digital Music and Culture* (2008), pp. 135-151

Mark Hosler, "Some Thoughts for Congress about Creativity and Copyright" -

[http://www.negative.com/news/?page\\_id=87](http://www.negative.com/news/?page_id=87)

*Copyright Criminals*, (2006) – Please screen on your own

**READING QUIZ #3**

**ADVOCACY PAPER #1 FINAL DRAFT DUE OCT. 30, 5PM -- TURNITIN**

**WEEK 10 - Film**

11/6- Lecture: Regulation and Censorship of the Film Industry

11/9- Discussion

Secondary Source

Garth Jowett, "A Significant Medium for the Communication of Ideas: The Miracle Decision and the Decline of Motion Picture Censor, 1952-1968," pp. 258-277, from Frances G. Couvares, ed., *Movie Censorship and American Culture* (1996)

**READING QUIZ #4**

**WEEK 11 - Net Neutrality**

11/13 - Lecture: Who Owns the Internet? The Debate Over Net Neutrality

11/16 - Discussion

Primary Sources

Net Neutrality documents

**ADVOCACY PAPER #2 DRAFT DUE NOV 13, 5PM - TURNITIN**

**WEEK 12 - Piracy**

11/20 - Lecture: Online Piracy: From Napster to SOPA/PIPA/CISPA

11/23 - **NO CLASS! THANKSGIVING!**

**WEEK 13 - Piracy, Continued**

11/27- Discussion

Secondary Source

John Alderman, *Sonic Boom: Napster, MP3, and the New Pioneers of Music*, Ch. 9

**READING QUIZ #5**

**ADVOCACY PAPER #3 DRAFT DUE NOV 27, 5PM - TURNITIN**

**Privacy and Surveillance**

11/30 - Lecture: Surveillance and Media Law: COINTELPRO to the Patriot Act  
**WEEK 14 - Surveillance, Continued**

12/4 - Discussion

Primary Sources

<http://www.theguardian.com/us-news/the-nsa-files>

Please peruse the Guardian newspaper's coverage of the Edward Snowden revelations about National Security Spying.

Pay special attention to:

Who was spied on? Why? Their relationship to terrorism?

Also, please listen to NPR's Debate: Does Spying Keep us Safe?

<http://www.npr.org/2013/11/22/246774367/debate-does-spying-keep-us-safe>

12/7 - Advocacy Paper Discussion

**ADVOCACY PAPER #2 FINAL DRAFT DUE DEC. 4, 5PM — TURNITIN**

**WEEK 15**

12/11 - Wrap-Up/Final Exam Review

**ADVOCACY PAPER #3 FINAL DRAFT DUE DEC. 18, 5PM - TURNITIN**

**FINAL EXAM DUE DEC. 21, 5PM — TURNITIN**